

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
Case No. 7:14-CV-00157-D**

CTB, INC.,)	
)	
Plaintiff,)	
)	JOINT MOTION
v.)	TO LIFT STAY
)	
HOG SLAT, INC.,)	
)	
Defendant.)	

NOW COME Plaintiff CTB, Inc. (“CTB”) and Defendant Hog Slat, Inc. (“Hog Slat”) (together, the “Parties”), and for their Joint Motion to Lift Stay, state as follows:

1. On July 31, 2017, the Parties filed a Joint Motion for a Stay (D.E. 153) of any ruling on the pending Motions for Summary Judgment (D.E. 115, 118), Motion *In Limine* to exclude plaintiff’s expert Rhonda Harper (D.E. 142), and Motion for Hearing on the Motion *In Limine* (D.E. 148) pending the outcome of certain engineering tests being conducted by Hog Slat that could lead to settlement.

2. The Court granted the Joint Motion (D.E. 154), and denied without prejudice the pending motions, indicating that they could be reactivated if settlement is not reached. The Court further ordered the Parties to submit a joint notice to the Court no later than Nov. 1, 2017 advising of the status of the testing and settlement efforts. The Parties filed that Joint Notice on November 1, 2017 (D.E. 159).

3. Since filing the Joint Notice in November, Hog Slat has continued its testing that began last summer. To date, however, Hog Slat’s testing has not demonstrated results to Hog Slat sufficient to justify design changes. Thus, the Parties remain at an impasse on settlement.

4. Accordingly, in view of the continuing impasse on settlement, and pursuant to the Order granting the Stay (D.E. 154), the Parties respectfully request the Court lift the current Stay, and reactivate the pending Motions.

WHEREFORE, the Parties respectfully request that the Court lift the current Stay, reactivate the Motions (D.E. 115, 118, 142, 148), rule on the merits of those motions, and enter whatever further relief the Court deems appropriate.

Dated: March 13, 2018

Respectfully submitted,

WILLIAMS MULLEN

/s/ Robert C. Van Arnam

Robert C. Van Arnam

N.C. State Bar No. 28838

Richard Matthews

Andrew Shores

WILLIAMS MULLEN

301 Fayetteville Street, Suite 1700

P.O. Box 1000 (27602)

Raleigh, NC 27601

rvanarnam@williamsmullen.com

rmatthews@williamsmullen.com

ashores@williamsmullen.com

*Attorneys for Defendant Hog Slat,
Incorporated*

CLARK HILL PLC

/s/ Christopher B. Clare

David J. Marr (Ill. Bar No. 6194750)

Eric Dorkin (Ill. Bar No. 6256930)

130 East Randolph St., Suite 3900

Chicago, Illinois 60601

tel (312) 985-5900

fax (312) 985-5999

dmarr@clarkhill.com

edorkin@clarkhill.com

Christopher B. Clare (N.C. Bar No. 39582)

601 Pennsylvania Avenue NW

North Building, Suite 1000

Washington, D.C. 20004

tel (202) 572-8671

fax (202) 772-0919

cclare@clarkhill.com

Attorney for Plaintiff, CTB, Inc.

Local Civil Rule 83.1 Counsel

Attorneys for Plaintiff, CTB, Inc.

CERTIFICATE OF SERVICE

I certify that, on March 13, 2018, I electronically filed the foregoing JOINT MOTION TO LIFT STAY with the Clerk of the Court using the CM/ECF system that will automatically serve all counsel of record including the following:

David J. Marr (Ill. Bar No. 6194750)
Eric Dorkin (Ill. Bar No. 6256930)
Clark Hill PLC
130 East Randolph St., Suite 3900
Chicago, Illinois 60601
tel (312) 985-5900
fax (312) 985-5999
dmarr@clarkhill.com
edorkin@clarkhill.com

Christopher B. Clare (N.C. Bar No. 39582)
Clark Hill PLC
601 Pennsylvania Avenue NW
North Building, Suite 1000
Washington, D.C. 20004
tel (202) 572-8671
fax (202) 772-0919
cclare@clarkhill.com
Attorney for Plaintiff, CTB, Inc.
Local Civil Rule 83.1 Counsel

Attorneys for Plaintiff, CTB, Inc.

Dated: March 13, 2018

WILLIAMS MULLEN

/s/ Robert C. Van Arnham